

**Testimony of David Teater
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**before the
Subcommittee on Commerce, Trade and Consumer Protection &
Subcommittee on Communications, Technology, and the Internet**

**Committee on Energy and Commerce
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“Driven To Distraction: Technological Devices and Vehicle Safety”

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Chairman Rush, Chairman Boucher, Ranking Member Radanovich, Ranking Member Stearns, and Members of the subcommittees, thank you for affording me the opportunity to speak about the dangers of distracted driving and the use of cell phones while driving. I am David Teater, Senior Director of Transportation Initiatives for the National Safety Council, a Congressionally chartered nonprofit organization with 95 years of service to our nation preventing injuries and deaths at work, in homes, communities, and on the roads.

I am also the father of Joe Teater who was killed in a crash caused by a cell phone distracted driver in Grand Rapids, MI on January 20, 2004. Joe was 12 years old and the youngest of our three sons. He was a wonderful kid who was always happy, always smiling and looking forward to his teen years and becoming a young man. The magnitude of such a loss can not be explained with words. My wife Judy and I will remember and deeply miss our son Joe every day, for the rest of our lives. The worst part of the tragedy of losing our son is knowing that Joe lost his life as the result of a phone call, and that his death could easily have been avoided. We are only one family, one of thousands who live with this reality and this knowledge every day. Cell phone driving has become an epidemic on our nation's roadways. We all must work together to stop it now.

About a year after Joe's death I started looking at the research on cell phone distracted driving. I was surprised at the body of work that already existed in 2005, and the near unanimous conclusion that the distraction of cell phone driving is unique and especially dangerous. I decided to leave the for-profit business world and advocate on behalf of others like us who have lost a loved one as a result of this new and rapidly escalating traffic safety threat. My journey over the last three years has included multiple speaking engagements with safety, business and parent groups all over North America. I helped launch a technology start-up company that has developed a technology solution to cell

phone distracted driving. I have reviewed nearly all the research on this issue and regularly speak about the cognitive distraction of phone conversations.

In January of this year, the National Safety Council became the first national organization to call for bans on all cell phone use while driving. A few months later I was offered the opportunity to join the NSC, leading their efforts to reduce injuries and deaths resulting from distracted driving and teen driver crashes. In my capacity at the NSC, I have the privilege of working with legislators, survivor advocates, wireless operators, auto manufacturers, companies looking to implement cell phone driving policies, researchers, and technology companies seeking a solution that will mitigate a problem that arose out of the rapid adoption of mobile communications technology.

The NSC believes cell phones are in a special category of distractions that require special attention and supports legislation banning their use in motor vehicles. We believe cell phone use is the largest cause of motor vehicle crashes, based on combining the risk with risk exposure from the large number of people using cell phones while driving. Earlier this month, the National Highway Traffic Safety Administration reported that distracted driving was involved in nearly 6,000 traffic deaths last year and more than a half million injuries. Our analysis suggests cell phone conversations are the single largest contributor to those injuries and deaths.

Our nation has made significant progress in recent years in making our roads safer. Traffic safety successes such as primary seat belt laws, effective enforcement of stronger impaired driving laws, expansion of graduated driver licensing for teen drivers, and moving children to back seats away from air bags, have all individually had a significant impact on reducing injuries and deaths. In addition, greatly improved vehicle safety, including air bags, anti-lock brakes, vehicle structures and stability control technology, have had an impact. Our roadways are also greatly improved in recent years with safety engineering improvements, such as lane departure rumble strips. The scientific evidence available related to each of these actions tells us that these initiatives by themselves, should have each contributed to reductions in the number and frequency of crashes, and the number and rate of injuries and deaths.

The national fatality rate is at an all-time low, due in part to all of these improvements and a significant reduction in miles travelled due to the depressed economy and high gas prices in 2008. An eight percent decline in the fatality rate last year and a seven percent decline through the first six months this year are encouraging signs and welcome news. However, with all of the significant safety efforts that have been implemented this decade, we expected to see even greater reductions in crashes, injuries and deaths. The US fatality rate remains one of the highest in the world. Thirty-seven thousand deaths, more than 100 every day are clearly not acceptable.

We suspect there are other factors at work in our society that are counter-acting the even more significant positive gains we should have seen, and we believe cell phone use is one of the most significant. Over the last decade, wireless communications devices have grown to occupy an important part of our lives. Today, more than 270 million Americans have cell phone subscriptions. Eighty percent of adults admit to talking on cell phones while driving. We estimate that there are 100 million people in the U.S. who engage in this risky behavior at one time or another. NHTSA reported in October that at any given moment, more than 800,000 vehicles are being driven by someone using a hand-held cell phone. It is unknown how many more are driving while using hands-free devices.

How risky is it to talk on a cell phone while driving? Research from more than 75 peer-reviewed studies has shown that using phones while driving is dangerous. Research using epidemiological methods, performed by scientists associated with the Insurance Institute for Highway Safety, has reported that the use of cell phones while driving increases the risk of a crash by a multiple of four. There was no difference in the risk for drivers using hand-held or hands-free devices.

Driver distractions fall in to three categories. Everyone understands the danger of visual (eyes off the road) and mechanical (hands off the wheel) distractions, but the third kind of distraction -- cognitive distraction associated with phone conversations -- is also of great concern to us. Cognitive distraction results from the need for our brains to be involved, at the same time, in both driving and a conversation with a remote person. It is the conversation with a person not in our driving environment that is the source of the problem. Unlike visual and mechanical distractions, with cognitive distraction the driver is not aware that they are distracted, resulting in the distraction lasting for much longer periods of time.

Research has shown that the impact of conversations with a person physically seated next to you is very different than one on a cell phone. The passenger is in the same driving environment. They see looming threats and the conversation stops. Passengers provide an additional set of eyes and are engaged in the driving task. A phone conversation is different. Brain scan imagery from research at Carnegie Mellon University shows that up to 37% of the brain that should be engaged in driving is lost while talking on a cell phone. Experimental studies at the University of Utah have further measured the specific risk of cognitive distraction, showing that drivers on cell phones fail to see up to half of the information in the driving environment that people not on cell phones recognize. It is this loss of brain function devoted to driving and the resulting inattention blindness that cause us so much concern.

There is broad agreement among most in the scientific and safety communities that hands-free devices do not significantly reduce the risks associated with phone conversations while driving. More than 30 research studies have compared the differences between hand-held and hands-free phones. These studies have consistently shown no safety benefit from hands-free devices. Hands-free devices do not remove the risk of cognitive distractions associated with cell phone conversations.

There are many things that can distract motorists from their primary duty to operate their vehicles safely. Studies have placed the risk of cell phone use to be greater than common in-car activities like eating, drinking, listening to or adjusting the radio, and inserting a CD. These activities distract drivers' attention briefly and divert hands and eyes, but they generally do not pose significant distractions to the drivers' brains, or they occur for very short durations.

Is talking on a wireless device the most dangerous thing we could do while driving? Probably not. Research from experimental and naturalistic studies has reported that activities like reading, putting on makeup, turning around in the drivers' seat, or reaching for a moving object are briefly more dangerous than talking on a cell phone. These activities take a driver's hands off the wheel, their eyes off the road and their brain off of driving.

However, all distractions are not the same when it comes to causing crashes. With 100 million people admitting that they engage in cell phone conversations, an activity that makes them four times more likely to be in a crash, statistical analysis suggests that cell phone conversations are the leading distraction-related cause of crashes.

Fortunately, we do not have 100 million people reading newspapers, putting on makeup, or reaching for objects in the back seat for hours every day while driving. And at least for now, we don't have that many texting or emailing while driving. So while these are higher risk activities, they occur less frequently and for shorter durations. Because fewer people are doing them for shorter periods of time, we believe they lead to far fewer crashes than do cell phone conversations.

So how do we address this issue? We know from our experience, working with the automotive industry and the insurance industry to increase seat belt use, that changing the behaviors of the American motoring public requires leadership, research, education, legislation and enforcement. It would be wonderful if we could simply educate our way out of this problem. However, the knowledge we have of how to change human behavior suggests otherwise.

Today, more than 90% of Americans acknowledge in public opinion polls that they know that talking on a phone while driving is risky. Yet 80% of them admit doing it. People are aware of the risks of cell phone use while driving, yet they

are choosing to do it any way. Making more people aware of the risks will not change their behavior. Education is important to be sure, but there is no evidence that asking risk-takers to change their own risky behavior has ever had much of an effect. Years of traffic safety education programs have taught us the unfortunate axiom that education, by itself, does not change behavior. The most effective education to change behavior is education about enforcement. "Click it or Ticket" and "Drunk Driving: Over the Limit, Under Arrest" are not just clever slogans. They are research-based educational messages tied to the enforcement of specific laws. These kinds of educational messages, tied to enforcement of laws, do work in changing behavior.

As we consider what kind of laws would be most effective in addressing this issue, we note some areas of strong agreement in the scientific and safety communities.

There is a high degree of recognition that teens are the most at-risk group owing to their driving inexperience and their greater propensity to use mobile devices while driving. Thus, we believe there is significant support for laws banning the use of cell phones by young, novice drivers. We also believe there is strong consensus that emailing or texting is a high-risk activity and there appears to be a growing consensus that these activities ought to be banned. We certainly support such legislation. However, we will continue to communicate with all legislators -- state and Federal -- that total bans, vigorously enforced, represent best practices in safety. We know from research that when traffic safety laws are vigorously enforced, compliance improves and crashes are reduced.

We believe there is general agreement among most in the scientific community that conventional hands-free devices do not reduce the risk. Some research ties the risk to cognitive distraction, while others tie it to the manual dialing and handling of hands-free devices. The bottom line is we see no evidence from the peer-reviewed scientific literature that suggests conventional bluetooth-type hands-free devices provide any safety benefit. The only way we can see any benefit from laws that allow hands-free devices is if these laws cause people to reduce the amount of time they are on the phone while driving.

It should be noted there are a few organizations who do not agree with the overwhelming body of evidence that cell phone conversations represent a dangerous cognitive distraction. These claims, principally led by researchers at the Virginia Tech Transportation Institute, are based on a few naturalistic studies that fail to measure cognitive distraction and observe only a small number of police-reported crashes.

The NSC advises this Committee to carefully examine claims of researchers that are inconsistent with the larger body of published, peer-reviewed studies. We think all research methods are important, but each method has significant limitations. In evaluating any issue, the NSC believes the best practice is to

focus on the convergence of scientific evidence from all credible sources and methods, and to assess the strengths and weaknesses of each.

An objective review of the entire body of research leads to a clear conclusion that phone conversations while driving -- hands free or hand held -- pose a significant crash risk. We urge the Congress to take action to enact strong laws banning cell phone use of all kinds. We also urge the Congress to support research to quantify the number of people who are being injured and dying from hand-held and hands-free cell phone conversations.

While no legislature has yet enacted a total ban on all cell phone use while driving, many employers have done so. The National Safety Council has 20,000 member organizations that employ more than 8 million people at 55,000 work places across the nation. More than 460 of our member companies have established policies that prohibit all use of cell phones by employees while on company business, or when using company-owned cell phones or vehicles. These policies cover an estimated 1.5 million employees.

These organizations with bans include several cities, one of the nation's largest trucking companies, large companies with thousands of sales and delivery people, and small businesses. These organizations would not accept their employees operating machinery in their factories or distribution centers in a manner that makes them four times more likely to be injured, and they don't accept it when their employees are operating machinery on roads either. They also do not want to accept the liability that comes with allowing employees to do their jobs in an unsafe manner that puts themselves and others at risk. Whether you are operating a piece of machinery in a factory or on the highway, one's full attention must be focused on the task at hand and not diverted by a phone conversation.

Even the National Transportation Safety Board has looked at the evidence and enacted a total ban for its staff on cell phone use while driving, including hands-free conversations. We urge the Congress, as employers, to implement total cell phone bans while driving for yourselves and for your staffs to reduce your risk of injury and that of the people who share the roads with you.

Early reports from organizations that have implemented bans indicate that productivity, customer service and profitability are not affected by cell phone policies. Most importantly, employees are safer because they are not engaging in high-risk activities while driving.

Strong laws, visibly enforced combined with education will help address this epidemic; however, because of the unique and compelling nature of cell phone use, we believe technology is likely the best solution. The NSC has met with, and is encouraging several entrepreneurial companies that are developing technology solutions. Four of these companies have demonstrable products that

hold great promise. One has successfully completed a technology trial with one of the nation's largest wireless networks. A few are only months away from initial, but limited product launch. All of these companies, like most start-ups, face significant challenges raising capital and getting the attention of customers and business partners. The wireless industry, the auto industry, and government agencies like the FCC, with proper engagement, can dramatically shorten the time to market for these life saving technologies.

Using cell phones while driving has become part of our culture. Changing this part of our culture will not be easy. It will take leadership, research, education, legislation and visible enforcement. But it must be done.

The 20 year old young woman, who ran the red light causing the crash that killed my son, was on the phone with her church where she volunteered for kids Joe's age. She was recently married and looking forward to leaving for basic training with her husband who had just enlisted in the U. S. Air Force. Both of our lives have been substantially impacted to say the least. She is a good person, and had she been aware of the dangers, or had there been a law banning cell phone use while driving in Michigan, Joe would be alive today. It is time for federal leadership on this issue. There is no phone call, email or text message worth a human life.

Thank you for the opportunity to testify this morning. I am happy to take your questions.